

# SHORTHAND REPORTING

*Deanne L. Tamaroff*

**FILED**

*September 20, 2010*

STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF COURT REPORTING

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IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	
	:	<u>Administrative Action</u>
	:	
<b>CHERYL MARTIN, C.C.R.</b>	:	FINAL ORDER
Certificate No: 30XI00092500	:	OF DISCIPLINE
	:	
TO PRACTICE COURT REPORTING	:	
IN THE STATE OF NEW JERSEY	:	

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This matter was opened to the New Jersey State Board of Court Reporting (hereinafter the "Board") upon its review of both the 2002-2004 and 2004-2006 biennial renewal applications of respondent Cheryl Martin, C.C.R. A review of these documents revealed that the respondent answered "no" to the question in the renewal applications inquiring as to whether she had satisfied the continuing education requirements mandatory for the renewal of her court reporting certificate. The Board has reviewed the renewal applications, and other relevant documents on which the following findings of facts and conclusions of law are made:

### FINDINGS OF FACTS

1. Respondent, Cheryl Martin, C.C.R., is a certified court reporter in the State of New Jersey and has been licensed at all times relevant hereto.

2. In or about the October 2004, the Board office reviewed the respondent's 2002-2004 renewal application and noted that she advised that she had not completed the required continuing education courses for renewal of her certificate for the 2002-2004 licensure period. In a letter issued in or about October 2004, the Board directed that the respondent provide a narrative explaining her failure to comply with the licensing renewal requirement of completing fifteen (15) continuing education credits.

3. In a correspondence dated October 20, 2004, the respondent advised the Board that, while she appreciated the statutory mandate to complete the required continuing education credits, she questioned what benefit continuing education could be to her since she had been a practicing court reporter for thirty (30) years.

4. In a letter dated November 16, 2004, the Board directed Ms. Martin to comply with the applicable statute and regulations governing the practice of court reporting and granted

her a seven (7) month extension, until June 30, 2005, to fulfill the continuing education requirement. Specifically, Ms. Martin had demonstrated that she had completed 11.5 of the required fifteen (15) credits. The Board therefore, at its November 15, 2004 meeting, granted Ms. Martin an extension of time, until June 30, 2005, to complete the remaining 3.5 credits she was deficient for the 2002-2004 renewal period. In this correspondence, Ms. Martin was advised that failure to complete the required continuing education credits could subject her to disciplinary action.

5. To date, the respondent has neither responded to the Board's November 16<sup>th</sup> letter nor demonstrated to the Board that she has complied with the Board's directive and completed the outstanding 3.5 credits for the 2002-2004 licensure period.

6. In or about the August 2006, the Board office reviewed the respondent's renewal application for the 2004-2006 renewal period and noted that she advised that she had not completed the required continuing education courses for renewal of her certificate for the biennial licensure period. In a letter issued in or about August 2006, the Board directed that the respondent provide a narrative explaining her failure to comply with the licensing renewal requirement of completing fifteen (15) continuing education credits.

7. Ms. Martin responded, in a letter dated September 12, 2006, that she has been practicing court reporting since 1974 and, among other things, that she found continuing education courses a "total waste of time" for reporters with her years of experience.

8. In a letter dated September 25, 2006, the Board directed Ms. Martin to comply with the applicable statute and regulations governing the practice of court reporting and granted her a six (6) month extension, until March 31, 2007, to fulfill the requirement for the completion of fifteen (15) continuing education credits for the 2004-2006 renewal period as well as to complete 3.5 additional credits in order to satisfy the renewal requirements for the 2002-2004 renewal period. In this correspondence, Ms. Martin was advised that failure to complete the required continuing education credits could subject her to disciplinary action.

9. To date, the respondent has neither responded to the Board's September 25<sup>nd</sup> letter nor demonstrated to the Board that she has satisfied the continuing education requirements for either the 2002-2004 or the 2004-2006 biennial renewal period.

10. Respondent was not randomly audited, as authorized by N.J.A.C. 13:43-7.5(b), for compliance with the continuing

education requirements for the biennial renewal periods of 2006-2008 or 2008-2010.

#### CONCLUSIONS OF LAW

1. Respondent has not satisfied the requirements of N.J.S.A. 45:15B-3.1 and N.J.A.C. 13:43-7.1 and 7.2 with regard to the completion of the appropriate number of approved continuing education credits for either the 2002-2004 or the 2004-2006 renewal periods and is therefore subject to sanctions pursuant to N.J.S.A. 45:1-21(h), namely, the failure to comply with the provisions of an act or regulation administered by the Board. The Board finds that this conduct constitutes grounds for the suspension or revocation of a certificate to practice court reporting as well as grounds for sanction pursuant to N.J.S.A. 45:1-25.

2. Respondent has failed to cooperate with the Board's September 2006 directives to furnish it with proof that she has met and completed the continuing education requirements for both the biennial renewal periods of 2002-2004 and 2004-2006 in violation of N.J.A.C. 13:43-7.1, N.J.A.C. 13:43-7.2 and N.J.A.C. 13:45C-1.3.

3. Respondent is subject to sanctions pursuant to N.J.S.A. 45:1-21(h), failure to comply with the provisions of an act or regulation administered by the Board, which constitutes

grounds for suspension or revocation of any certificate, registration or license, and grounds for sanction pursuant to N.J.S.A. 45:1-25.

#### DISCUSSION ON FINALIZATION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline, which provisionally suspended the respondent's certificate to practice court reporting until she complied with the Board's requests, imposed a formal reprimand and a civil penalty totaling \$500.00, was entered on September 28, 2009, and a copy was served on the respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

On or about October 19, 2009, the respondent submitted a written response for Board consideration. In this response, the respondent advised that, beginning in 2000, she was the sole caregiver to a family member who died in 2006 and was unable to

comply with the Board's continuing education requirements. Further, the respondent provided proof that she had paid the intended civil penalty of \$500.00. Finally, Ms. Martin requested a modification of the Board's findings and conclusions, and requested elimination of the intended suspension of her court reporting certificate.

Respondent's submissions were reviewed by the Board at its November 16, 2009, meeting. Based upon the reviewed submissions, the Board determined that Ms. Martin had demonstrated the requisite good cause, required by N.J.S.A. 45:15B-3.3, for the waiver of the required continuing education for the 2002-2004 and 2004-2006 licensure periods for reasons of hardship. Thus, the Board determined that the respondent's certificate should not be suspended and that she should not be reprimanded.

Additionally, the Board determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was persuaded that the submitted materials satisfied the waiver requirements as detailed in N.J.S.A. 45:15B-3.3. Thereafter, the Board voted to rescind the Provisional Order in its entirety.

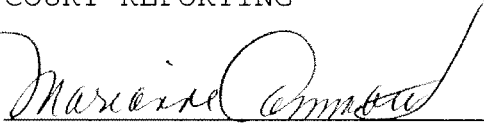
ACCORDINGLY, IT IS on this 31<sup>st</sup> day of  
AUGUST 2010 ORDERED that:

1. Cheryl Martin, C.C.R., is hereby assessed a civil penalty in the amount of \$500.00, which was paid in full in or about October 2009, for failing to complete the appropriate number of continuing education credits, in violation of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:43-7.1 and 7.2.

2. The provisional suspension of the respondent's certificate to practice court reporting in the State of New Jersey and the provisional formal reprimand are hereby rescinded.

NEW JERSEY STATE BOARD  
OF COURT REPORTING

By:

  
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MARIANNE CAMMAROTA, C.C.R.  
President